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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record (partial)* of the 14th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 6 May 2014, at 3 p.m.

Chairperson: Mr. Kedzia

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Lithuania (continued) (E/C.12/LTU/2; E/C.12/LTU/Q/2 and Add.1-3; HRI/CORE/1/Add.97)

1. *At the invitation of the Chairperson, the delegation of Lithuania took places at the Committee table.*

2. **Mr. Mancisidor** said that he had been surprised to learn that Lithuania had not ratified the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, especially since the country's five neighbours were all signatories and copious information on measures to combat discrimination had been provided. What was the reason for that omission and was ratification under consideration?

3. He was also surprised that the periodic report made no mention of the State party's impressive figures for women's participation in science, an area in which it had achieved gender parity. Noting that article 15, paragraph 4, of the Covenant called for international contacts and cooperation in scientific fields, he asked what mechanisms were in place for sharing best practice with other countries and international organizations and thus contributing to parallel achievements elsewhere.

4. **Mr. Abashidze** said that the State party had not yet provided a comprehensive response to question 29 of the list of issues (E/C.12/LTU/Q/2). He was concerned by reports that the Government had resolved to reduce funding for education while increasing funding for defence; that the number of children being educated in Russian-language schools had fallen sharply over the past decade; that following the 2011 legislative amendments students would be forced to learn under a new system using different sets of didactic materials; that the new system could result in fewer hours' instruction in a minority student's native language; and that the number of teachers of Lithuanian was rising while the number of Russian teachers was falling. With many of the Russian specialists still in post rapidly approaching retirement, the shortage at both school and university level looked set to increase. It appeared, therefore, that rather than improving the quality of education the 2011 amendments to the Education Act might have exacerbated the shortcomings.

5. On the other hand, reports that targeted training incentives over the past two years had reduced the shortage of suitably qualified staff able to teach in other minority languages were encouraging. However, in the absence of a general law on national minorities, doubts remained as to the State party's ability to address minority issues adequately. For example, which Government ministries would assume responsibility for those issues and what resources would they have?

6. Clarification regarding the composition of the Council of National Communities and the selection and appointment process for members would be appreciated, particularly given that the 20 minorities represented on the 26-member body fell short of the total number of minorities present in Lithuania and the number of Russian speakers was disproportionately low. More detail about the Council's work was also needed.

7. **Mr. Dasgupta**, citing statistics which indicated that, in percentage terms, the State party's contribution to official development assistance (ODA) fell short of both its European Union (EU) commitment and the United Nations target, asked whether the

Government would meet the EU commitment in 2015 as envisaged and, if so, how it would raise the funds required.

8. **Ms. Bras Gomes** expressed concern that, according to a statement issued by the European Commission against Racism and Intolerance, the mandate of the Equal Opportunities Ombudsman did not encompass citizenship as a ground for discrimination or the provision of assistance for victims. Furthermore, the Ombudsman's Office was not empowered to initiate judicial proceedings and frequently resorted to issuing recommendations or warnings instead of imposing fines. It was the Office's inability to pursue complaints in courts that had raised a question mark over its autonomy.

9. **Ms. Shin**, commending the State party for its success in bringing women into positions of authority, asked whether similar levels of equality existed in the home, or whether balancing family and work continued to be viewed predominantly as a women's issue. The preponderance of women in part-time and temporary employment suggested the latter, and that men generally spent far fewer hours caring for their families. Data showing the distribution of part-time work between men and women would be useful, since addressing that disparity was central to narrowing the wage gap, and, by extension, the gap in social security and pension provisions in later life. Details of the system used to determine the value of work and ensure that workers received equal pay for work of equal value would also be appreciated.

10. **Mr. Sadi** (Country Rapporteur) asked to what extent the Government and relevant authorities were familiar with the Covenant provisions and took account of them in policymaking.

11. **Mr. Paulauskas** (Lithuania), confirming the accuracy of the figures cited by Mr. Dasgupta, said that the Government was proud of its contribution to ODA, even if some might consider the level low. It was important to remember that little more than a decade previously the country had been receiving technical assistance itself and that the 2009 crisis had had severe financial ramifications across Europe. ODA targets were taken seriously and contributions would continue to rise, but he was unable to specify in which year the EU target would be met.

12. **Ms. Juršėnienė** (Lithuania) said that the mandate of the Equal Opportunities Ombudsman encompassed the provision of both independent advice and assistance for victims of discrimination. The Ombudsman's Office was empowered to initiate judicial proceedings, as required under EU directives, and to participate in court proceedings as an impartial third party. It was also empowered to apply administrate sanctions and any party that failed to comply with its orders could face criminal charges.

13. Increasing men's involvement in family life was one of the priorities of national equal opportunities programmes. Measures introduced to that end included the option of taking paternity leave immediately after the birth of a child and childcare leave subsequently. However, whilst take-up of the former was frequent, unfortunately few men were availing themselves of the latter option. Indices compiled by the European Institute for Gender Equality confirmed the persistent inequalities in the home, with Lithuania falling below the European average. On the other hand, levels of part-time work were generally quite low and falling, among both women and men. In part as a corollary of that situation, the gender pay gap was declining and both horizontal and vertical labour market segregation had been reduced. Those improvements would have a similar positive impact on the gender gap in pension provisions.

14. **Ms. Radišauskienė** (Lithuania) said that in 2004 the Tripartite Council had introduced a standard methodology for determining the value of work to which all employers were required to adhere and which encompassed, among other criteria,

professional experience, qualifications, management and decision-making responsibilities, and difficulty and conditions of work.

15. **Ms. Vyšniauskaitė-Radinskienė** (Lithuania) said that there was broad familiarity with the Covenant in Government ministries and institutions, all of which had been involved in preparing the report and had been informed of the Committee's previous recommendations. Furthermore, the delegation had maintained close contact with its Lithuania-based colleagues throughout the session.

16. **Ms. Radišauskienė** (Lithuania) said that Government measures to address youth unemployment had succeeded in bringing the rate down from a peak of over 36 per cent in 2010 to around 21 per cent in early 2014. There were currently around 21,000 young persons registered with the Labour Exchange Office, considerably fewer than a year previously. Active market measures including vocational training and subsidized employment, guarantee schemes, national and local employer partnership initiatives and job creation programmes, notably in agriculture and forestry, had all contributed to the improvements.

17. Regional disparities were a major labour issue, with unemployment in rural areas around 1.8 times higher than in cities. Job creation in village areas had been impeded by mass urban migration, leaving rural wages far lower than in urban areas. However, steps were being taken to combat the disparities and encourage city workers to return to their villages, and also to attract Lithuanians living overseas back to their country of origin.

18. **Mr. Medingis** (Lithuania) said that considerable improvements in rural living standards had been achieved following implementation of the 2007–2013 rural development programme, which had included market support and State aid for farmers. Total aid disbursed under that programme had exceeded €5 billion, contributing to annual increases in agricultural income of nearly 12 per cent. Specific schemes in place included support for the establishment of young farmers, support for semi-subsistence farmers in disadvantaged areas and investments in farm modernization and forestry.

19. **Ms. Radišauskienė** (Lithuania) said that Lithuanian law provided certain subsidies for social enterprises that offered employment to economically inactive persons not able to compete in the labour market on equal terms. Most of those enterprises were joint-stock, profit-seeking companies which received subsidies based on the minimum wage to create jobs for persons with disabilities. The Social Enterprises Act was due to be reviewed to make its provisions more relevant to other disadvantaged groups such as the long-term unemployed and those recently released from prison. A working group had been established to consider the changes required.

20. **Ms. Charašauskaitė** (Lithuania) said that the country's vocational rehabilitation system would undergo a comprehensive review in 2014.

21. **Ms. Radišauskienė** (Lithuania), acknowledging the country's poor record on health and safety at work and workplace accidents, said that the problems were linked to the recent austerity measures, a lack of workplace investment and a recent influx of young and/or unskilled workers and long-term unemployed persons. Labour inspectorate data indicated that more than 3,000 complaints relating to health and safety conditions at work had been lodged by employers and employees, although a decline in the number of fatal accidents had been recorded. To reduce the frequency of accidents, which tended to be concentrated in the construction, transport and industrial sectors, the Labour Inspectorate had introduced health and safety awareness-raising programmes, an interactive risk evaluation system and a self-certification system under which enterprises were required to attest to their compliance with health and safety standards and faced fines if subsequently found to be in breach of their declaration.

22. **Ms. Vyšniauskaitė-Radinskienė** (Lithuania) said that the law prohibiting former Soviet agents from working in Lithuania had been a temporary measure, adopted in a specific historical context, and was no longer in force.

23. **Ms. Radišauskienė** (Lithuania) said that a Tripartite Council had been established to determine the minimum monthly wage, which applied to all workers irrespective of their skill level. In December 2012, the minimum wage had been increased by over 17 per cent, generating concerns about businesses' capacity to afford such wages. Accordingly, the Council had set up a working group to study the issue, which had determined that the minimum wage as it stood did not constitute a barrier but that the study would have to be repeated before any new increase. Trade union legislation had been amended in 2013, giving all persons with legal capacity, irrespective of their nationality, the right to form and join a trade union. Nevertheless, membership remained low.

24. Regarding the shortage of staff qualified to teach in minority languages, the problem had been addressed in the Programme for Increased Employment and, despite the fact that there were fewer and fewer minority children, efforts were under way to train more teachers.

25. **Ms. Vyšniauskaitė-Radinskienė** (Lithuania) said that, in order to continue providing social security benefits during the crisis, the Government had decided to reduce the amount of allowances, but that benefits had since returned to pre-crisis levels and had even risen in some cases. Similarly, the Government had chosen not to assume any additional international obligations during the crisis, which was why it had not yet ratified the International Labour Organization (ILO) Social Security (Minimum Standards) Convention, 1952 (No. 102) or the ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118). However, under the current Government programme, their ratification and that of the European Code of Social Security would be considered during the fourth quarter of 2015.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

26. **Ms. Pabedinskienė** (Lithuania) said that all children had equal rights and their entitlement to social benefits was not contingent on the marital status of their parents. Each relevant piece of legislation had its own definition of the family.

27. **Ms. Radišauskienė** (Lithuania) said that the family policy adopted by Parliament in 2008 had been referred to the Constitutional Court, which had deemed the policy unconstitutional, and therefore void, because of its narrow definition of the family. The Court's ruling emphasized that family should be based on the existence of a special relationship between its members rather than on any formal requirements, such as marriage, and that unconventional family models should not be subject to discrimination. The ruling was binding on all institutions.

28. **Ms. Charašauskaitė** (Lithuania) said that orphans or minors without parental care, families with five or more children or at least three children born at the same time and single persons with disabilities were entitled to social housing. The Ministry of Social Security and Labour had drafted a bill on home rental and ownership assistance, which was being considered by Parliament.

29. **Mr. Medingis** (Lithuania) said that the Rural Development Programme contained a large number of measures to improve the standard of living, including the replacement of asbestos roofs and subsidies for small-scale farmers. Between 2007 and 2013, the Government had invested €40 million in rural infrastructure. Efforts were under way to centralize water supply and sanitation in rural areas and develop village infrastructure thanks to EU structural funds and the European Agricultural Fund for Rural Development.

30. **Ms. Vyšniauskaitė-Radinskienė** (Lithuania) said that the condition of the housing stock was a pressing Government concern and that huge amounts were allocated to improving the situation.

31. **Ms. Pažereckaitė** (Lithuania) said that eviction was possible only in very specific cases provided for in the Code of Civil Procedure and had to be ordered by the courts. Those forcibly evicted could apply for social housing and special attention was paid to children's rights in the event of eviction.

32. **Ms. Vaitkienė** (Lithuania) said that Parliament had adopted the National Mental Health Strategy and related action plans in 2007. The goal was to improve access to and quality of mental health services as well as to ensure that patients recovered their capacity to work and be active members of society. The State Mental Health Centre was authorized to collect data on persons who sought care for mental or behavioural problems, which were then entered into a computerized monitoring system. Mental health services, including the treatment of eating disorders, were available at the municipal and State levels and a number of child and family support centres, day-patient facilities and crisis intervention centres had been established thanks to EU structural funds. The high number of mental and behavioural disorders reflected greater access to care and improved data collection.

33. According to the latest figures, slightly more than half of persons living with HIV had been infected via intravenous drug use. The National Drug Control and Drug Addiction Prevention Programme (2010–2016) and associated implementation plans had been adopted, with a focus on delivering high-quality and more accessible health-care and social services. All persons living with HIV received compulsory health insurance and all EU-approved antiretroviral treatments were covered under that scheme. An order of the Ministry of Health provided for a mandatory package of services for intravenous drug users, including counselling and needle exchange programmes, as well as awareness-raising to curb risky behaviour.

34. The Ministry of Health ran five addiction centres, which were financed through the Government budget and the compulsory health insurance fund and provided substitution treatment, including methadone. The centres had been restructured in 2013 and transferred from municipal to State jurisdiction in a bid to improve oversight and offer services to more patients.

35. **Ms. Pabedinskienė** (Lithuania) said that a national crime prevention programme, including support measures for victims of trafficking, had been adopted in 2003 and the Government provided funding to NGOs that specialized in the social reintegration and employment of trafficking victims. Corporal punishment was prohibited under the Act on Protection against Domestic Violence and the bill on the protection of children's rights would address the issue as it pertained to minors.

36. **Ms. Pažereckaitė** (Lithuania) said that the Act on Protection against Domestic Violence made domestic violence a criminal offence, strengthened victim rights and set forth prevention and assistance measures. In 2012, over 1,300 cases had been brought before courts of first instance. The number of cases being investigated and tried had risen considerably since the Act's entry into force because legal action was no longer contingent on a victim's complaint.

37. **Ms. Vaitkienė** (Lithuania) said that the abortion rate had dropped by more than 50 per cent between 2000 and 2012 and that emergency contraceptives had been available without a prescription since 2008. A working group had been established in January 2014 to draft a bill on reproductive health with a focus on youth-friendly services.

38. **Ms. Vyšniauskaitė-Radinskienė** (Lithuania) said that, during the crisis, poverty had risen more in urban than in rural areas and that, despite budgetary constraints, the Government had increased its expenditure on social benefits for low-income individuals. For example, children from low-income families received free school meals and

municipalities were given subsidies to help them provide more, and higher-quality, social assistance. Moreover, the social security system had been reformed to grant municipalities more control over determining who qualified for such benefits. Under the Fund for European Aid to the Most Deprived, Lithuania would be receiving €77 million, which it had earmarked primarily for food distribution and other basic material assistance.

39. **Mr. Sadi** expressed concern that obesity appeared to be treated as a mental disorder. He invited the delegation to comment on reports that Lithuanian children were forced to steal in foreign countries and that men were subjected to forced labour abroad.

40. **Ms. Bras Gomes** said that, according to information at her disposal, only specific groups were entitled to cash allowances. Was that true or did the scheme cover all low-income individuals?

41. **Ms. Vaitkienė** (Lithuania) said that there had been many public information campaigns to encourage people to eat more fruit and vegetables and less animal fat. Studies had shown that the campaigns had been successful and that people had become more physically active.

42. **Ms. Vyšniauskaitė-Radinskienė** (Lithuania) said that there were no data on the trafficking of men. The Ministry of Social Security and Labour was responsible for providing services to trafficking victims regardless of their gender. As a general rule, cash allowances were awarded to permanent residents only, but all children from low-income families received free school meals irrespective of their residency status.

43. **Ms. Charašauskaitė** (Lithuania) said that cash allowances for low-income individuals could be granted to foreign nationals under subsidiary or temporary protection, except those who already received integration benefits.

44. **Ms. Sluško** (Lithuania) said that national minorities were self-identified. "National minority" was the term used in Lithuanian law, and no distinction was made between national minorities and ethnic or linguistic minorities. The definition of national minority as set out in the bill on national minorities was very broad and included not only Lithuanian citizens but also persons who held residence permits in the country.

45. The Council of National Communities served as an advisory body to the Ministry of Culture. Pursuant to the Ministry's regulations, national minority communities with a population greater than 100,000, namely the Polish and Russian communities, could elect three representatives to the Council; those with a population between 10,000 and 100,000, namely the Belarusian and Ukrainian communities, could elect two representatives; and all other communities could each elect one representative. In the case of minority communities that had not formed any association or organization to further their interests, the Government had no way of approaching them to invite them to join the Council.

46. **Ms. Vaicekauskienė** (Lithuania) said that minor amendments had been made to the Education Act in 2011 to encourage the effective participation of national minorities in civic life, including education and the labour market. Under the amended Act, all nationalities were required to sit the same examination of proficiency in the State language, and the success rate for national minorities was almost identical to that of students who had studied in the Lithuanian language. Following a pilot examination, the requirements for national minorities had been adjusted. For example, they were now allowed to use dictionaries during the examination.

47. **Ms. Mačiukaitė-Žvinienė** (Lithuania) said that, of the 170 Polish schools outside Poland, 96 were located in Lithuania, even though the Polish community in the country numbered only 200,000. Lithuania was also the only country in which a branch of the University of Białystok had been established.

48. **Ms. Sluško** (Lithuania) said that according to data from 2012 there were 572 Roma children enrolled in mainstream schools. Of those, most were enrolled in primary school,

with only four Roma children in the twelfth grade. That situation was due in part to discrimination against Roma, but also to practices such as early marriage. The Action Plan for Roma Integration into Lithuanian Society for 2012–2014 had created a teaching assistant position to assist Roma students. The concept had been piloted with two teaching assistants in Vilnius, and she expected that it would be expanded throughout the country under the subsequent action plan. There were currently 33 Roma children enrolled in special schools. While most of those children should be enrolled in mainstream schools, their parents had the final say in the matter.

49. While there were currently no awareness-raising measures in place for Roma parents, in June 2014 the Council of Europe Committee of Experts on Roma Issues would carry out a thematic visit to Lithuania on the empowerment of Roma women, and it was hoped that efforts targeting Roma women would help to reduce the dropout rate among Roma children.

50. **Ms. Vaicekauskienė** (Lithuania) said that the discrepancy in the amount of State funding received by Polish schools compared with Russian schools was explained by the fact that, while most Russian communities lived in urban areas, most Polish communities lived in rural areas, and rural schools were eligible for additional funding. Some teachers in Russian schools had been replaced because they did not have a sufficient command of the Lithuanian language to prepare their students for the State language examination. Some university courses in the Russian language had been discontinued due to a lack of instructors.

51. **Ms. Charašauskaitė** (Lithuania) said that the Inter-Institutional Action Plan included measures to raise awareness about non-discrimination along with other educational measures. Implementation of the plan was coordinated by the Ministry of Social Security and Labour and was carried out by a variety of departments and ministries.

52. **Ms. Vaicekauskienė** (Lithuania) said that, following the integration of two separate databases, it had been determined that most of the children who were thought to have dropped out of compulsory education had in fact moved abroad with their families. The actual dropout rate for compulsory education was less than 1 per cent. The proportion of school leavers, or persons 18 to 24 years of age who had not completed secondary education and were not currently enrolled, was about 9 per cent.

53. **Ms. Mačiukaitė-Žvinienė** (Lithuania) said that 16 per cent of students left vocational education, 18 per cent left bachelor's degree programmes, 17 per cent left master's degree programmes and 5 per cent left PhD programmes. Most of those who left higher education did so during their first year of studies.

54. **Ms. Vaicekauskienė** (Lithuania) said that enrolment stood at 70 per cent in pre-primary education, 100 per cent in primary, basic and secondary education and 60 per cent in higher education. Enrolment rates in pre-primary education in rural areas were comparatively low.

55. It was difficult to define adequate school infrastructure because learning methods and ideas about what was needed in schools changed every year. For example, the number of computers in relation to the student population was no longer so important, because most students had personal laptops. Since the number of students was decreasing, there were actually more school buildings than were needed.

56. **Ms. Mačiukaitė-Žvinienė** (Lithuania) said that all higher education institutions had Wi-Fi Internet access. There were 12 computers for every 100 students, and access to electronic databases was guaranteed. Five integrated science, studies and business centres had been established in 2013 to increase the quality and accessibility of higher education. Fifty-two per cent of all researchers in the country were women. The Government was considering signing and ratifying the UNESCO Convention against Discrimination in Education, but no timeline had been set in that regard. Higher education institutions

engaged in cooperation through a number of European and international programmes, and since 2011 the Research Council of Lithuania had participated in two joint programming initiatives, one on cultural heritage and global change and another on healthy and productive seas and oceans.

57. **Mr. Marchán Romero** said he wished to know the current status of the bill on national minorities and when it was expected to enter into force.

58. **Mr. Abashidze** asked which division of the Ministry of Culture was responsible for issues concerning national minorities and how many persons were employed by that division. He was concerned that the amendments to the Education Act had changed the essence of traditional education by requiring students to change schools during their education, and he requested further clarification in that regard.

59. **The Chairperson** requested information about Internet access for disadvantaged population groups.

60. **Ms. Sluško** (Lithuania) said that the bill on national minorities would be submitted to Parliament in the autumn of 2014, but she could not say when it might be adopted. Before 2010, national minority affairs had been handled by a division of the Department of National Minorities and Lithuanians Living Abroad. In 2010 those responsibilities had been transferred to a division of the Ministry of Culture, which employed four chief specialists who had previously been employed by the aforementioned Department. The status of ministries was higher than that of departments in the State's institutional hierarchy. The membership of the Council of National Communities could be expanded in the future if more minority associations elected delegates to the Council.

61. When drafting the bill on national minorities, the Government had held four consultations with the Council of National Communities and had taken into account the majority of its suggestions. Several laws currently regulated various issues pertaining to national minorities. The only gap in the current legal framework related to the use of minority languages, and she hoped that gap would be filled by the adoption of the bill on national minorities.

62. **Ms. Vaicekauskienė** (Lithuania) said that over the past 25 years Lithuania had made the transition from an inflexible education system to one offering individualized or even personalized education. While it was still possible to have small schools located near the students' homes at the pre-primary, primary and basic education levels, secondary schools must be larger so that they could offer an adequate range of choices. While that could pose a problem for some national minorities and students living in small municipalities, her Government did not wish to revert to the old system.

63. **Ms. Mačiukaitė-Žvinienė** (Lithuania) said that more than 60 per cent of the country's inhabitants were Internet users, and that in the past three years Internet use had increased by 50 per cent among persons over 60 years of age. Libraries in rural areas offered Internet access as part of an information technology education programme. Special online courses were available for persons with disabilities, and educational tools were adapted to their needs.

64. **Mr. Klimavičius** (Lithuania) thanked the Committee members for the informative and productive exchange of views it had held with his delegation. His Government was taking steps to progressively achieve the full realization of the Covenant rights by all appropriate means, including legislative and policy measures. Despite the positive changes seen, the Government still faced difficulties in implementing some of the Committee's recommendations. Nevertheless, it highly valued its cooperation with the Committee and other treaty bodies, which provided a useful way of assessing its laws and policies and sharing good practices. While considerable progress had been made since the submission of his State's initial report in 2004, there was still much more to achieve.

65. **Mr. Sadi** thanked the delegation for its efforts to respond in detail to the Committee's questions and said that he was impressed by the professional manner in which the delegation had participated in the dialogue.

66. **The Chairperson** thanked the delegation for its efforts and said that the true test of human rights protection was their realization in difficult times, as it was then that they were of the greatest value to individuals, groups and society. He therefore appreciated the information provided on how Lithuania had approached the realization of human rights during the period of financial crisis and austerity measures, which it had implemented only on a temporary basis. He also appreciated the fact that the delegation included representatives of various ministries and departments working on the ground in Lithuania. He hoped that the delegation would benefit from the feedback it had received during the dialogue, and he looked forward to meeting with a delegation of the State party again in five years' time.

The discussion covered in the summary record ended at 5.45 p.m.